

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*PLM-I*  
**10,987**

FILE: B-194837

DATE: August 8, 1979

*[Request for Reimbursement of]*  
MATTER OF: Robert N. Havens - Temporary quarters subsistence expenses

DIGEST: Employee and family are not entitled to temporary quarters subsistence expenses for meals and cleaning while occupying apartment leased as permanent residence at new duty station and while awaiting arrival of household goods.

Mr. Edwin J. Fost, Chief, Accounting Section, Office of the Controller, Drug Enforcement Administration (DEA), Department of Justice, *DL 6,00530*  
*AGC 000104*  
requests our decision on the entitlement of Mr. Robert N. Havens to temporary quarters subsistence expenses.

The issue is whether temporary subsistence expenses for meals and cleaning are payable when the employee and his family occupy their new permanent residence while awaiting the arrival of household goods incident to a permanent change of station.

Mr. Havens, a DEA employee, transferred his permanent duty station from Alpine, Texas, to Miami, Florida, pursuant to travel orders of August 21, 1978, which authorized temporary quarters subsistence expenses for 30 days in Miami. His new permanent Miami residence was an apartment under a lease dated September 10, 1978. Mr. Havens obtained temporary lodging for the period September 20 through 22, and he has furnished lodging receipts for that period. He then occupied his permanent apartment, his wife and 13-month-old daughter sleeping on the floor and remaining there during the day between September 23, and October 5, 1978. Mr. Havens says that for the latter period he slept in his car parked in the apartment house parking lot. He maintains that such occupancy of the apartment, including use of telephone and bathroom, was required because his household furniture had not yet arrived in Miami. Further, he says temporary quarters were unavailable within a 25-mile radius of his apartment because of conventions being held in Miami. The expenses in question, other than a \$2 cleaning bill, were for meals of Mr. and Mrs. Havens and their 13-month-old child.

This Office has consistently held that an employee may not be reimbursed temporary quarters subsistence expenses during the period he occupies the residence in which he intends to remain, irrespective

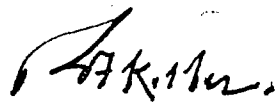
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of the absence of his household effects which arrive at his new residence at a later date. Our most recent pronouncement of this rule is contained in Matter of Jack Carson, B-191626, November 20, 1978. See prior cases cited therein.

The evidence of record shows that Mr. Havens intended to occupy his new apartment on a permanent basis beginning on September 23, 1978. Until the arrival of household goods the residence may have been unfurnished and may have lacked cooking and eating facilities, but it nevertheless does not qualify as temporary quarters in which the employee intended to reside for a short period prior to moving into permanent quarters. The fact that Mr. Havens may have slept in his car in the apartment house parking lot while his wife and 13-month-old daughter were in the apartment does not result in the apartment being unoccupied or any the less a permanent residence.

Accordingly, temporary quarters subsistence expenses are denied for the period September 23 through October 5, 1978, when the claimant occupied permanent quarters. The expenses for the period September 20 through September 22, 1978, during which he occupied temporary quarters, may be reimbursed to the extent proper.

  
Acting Comptroller General  
of the United States